IN THE HIGH COURT OF JUDICATURE AT BOMBY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7539 OF 2006

Shri Vithu Kalya Govari .....Petitioner.

V/s

State of Maharashtra & Ors. .....Respondents.

Mr. S.G. Surana for the Petitioner

Mr. P.M. Patil, AGP for respondents - State.

ALONGWITH
WRIT PETITION NO.7540 OF 2006

Shri Kundlik Balu Pavanekar .....Petitioner.

V/s

State of Maharashtra & Ors. ..... Respondents.

Mr. S.G. Surana for the Petitioner

Mr. P.M. Patil, AGP for respondents - State.

ALONGWITH
WRIT PETITION NO.7541 OF 2006

Shri Pandu Valku Chipalekar .....Petitioner.

V/s

State of Maharashtra & Ors. ..... Respondents.

Mr. S.G. Surana for the Petitioner

Mr. P.M. Patil, AGP for respondents - State.

ALONGWITH
WRIT PETITION NO.7542 OF 2006

Shri Kundlik Balu Pavanekar .....Petitioner.

V/s

State of Maharashtra & Ors. .....
Respondents.

Mr. S.G. Surana for the Petitioner

Mr. P.M. Patil, AGP for respondents - State.

ALONGWITH
WRIT PETITION NO.7543 OF 2006

Shri Mohan Shankar Pavanekar .....Petitioner.

V/s

State of Maharashtra & Ors. .....
Respondents.

Mr. S.G. Surana for the Petitioner

Mr. P.M. Patil, AGP for respondents - State.

CORAM: **SMT. RANJANA DESAI** &
V.M.KANADE, JJ.

DATE : **NOVEMBER 22, 2006**

P.C.

1. We have heard Mr. Surana, the learned Counsel

appearing on behalf of the Petitioner and Mr. Patil, the learned AGP appearing on behalf of Respondents - State.

2. The main grievance of the Petitioner is that the Petitioner's land has been acquired by the State Government and as far back as on 4th November, 2004, the Award is passed by the Joint Civil Judge Senior Division, Raigad. However, till date, the petitioner's Darkhast Application has not been disposed of. In support of his submission, the learned Counsel has drawn our attention to the order passed by the Division Bench of this Court headed by the then Hon'ble Chief Justice Shri B.P. Singh dated 9th January, 2001. While expressing distress and anguish in the manner in which the Execution Applications in land acquisition matters are not being disposed of, this Court has observed in paragraph 3 of the said order as under:-

> "3. We wish to make it clear to all Civil Judges that where execution applications in land acquisition proceedings are filed, they should be disposed of with utmost promptitude, particularly when

> appeals are not preferred against such decrees and we expect that such decrees shall be executed, as far as possible, within a period of two months."

In our opinion, a direction needs to be given to the trial court to dispose of Darkhast Applications in the light of this order.

3. Mr. Patil, the learned AGP states that the sanction has been accorded to file an appeal against the Award dated 4th November, 2004. He has shown to us a copy of the sanction dated 22nd June, 2005. We are amazed at this approach of the State Government. The Award is dated 4th November, 2004, the sanction is dated 22nd June, 2005 and, admittedly, till date, the appeal is not filed. In such circumstances, it is not possible for us to accept the submission that in view of the fact that appeal is likely to be filed, prayers made by the Petitioner should not be granted.

4. In the circumstances of the case, we direct the Joint Civil Judge, Senior Division, Raigad to dispose of the Special Darkhast Application Nos. 38/2005, 41/2005, 43/2005,

36/2005 and 35 of 2005 as expeditiously as possible and, in any case, within a period of two months from the date of receipt of a certified copy of this order by it. Needless to say that, in the meantime, if an appeal is filed by the State Government, the State Government will be at liberty to point out this fact to the Court or it may take such appropriate steps which it may deem fit.

5. Writ Petitions are accordingly disposed of.

(SMT RANJANA DESAI, J.)

(V.M. KANADE, J.)